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Attorneys for Defendant, CRISIS MANAGEMENT, LLC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

YOU WALK AWAY, LLC, a California
limited liability company,,

Plaintiff,

v.

CRISIS MANAGEMENT, LLC, an
Arizona corporation, and WALK AWAY
PLAN, LLC, a business entity of unknown
form,

Defendants.

Case No. 08 CV 0529 WQH BLM

**SUPPLEMENTAL DECLARATION
OF PAUL HELBERT IN SUPPORT
OF CRISIS MANAGEMENT, LLC'
S MOTION TO DISMISS, STAY, OR
TRANSFER VENUE TO THE
DISTRICT OF ARIZONA**

Date: May 19, 2008
Time: 11:00 a.m.
Crtm.: 4
Judge: Hon. William Q. Hayes

Paul Helbert declares as follows:

1. As set forth in my original Declaration, I did not see the letter dated February 29, 2008 that You Walk Away, L.L.C., sent to Crisis Management, L.L.C., until a few days after it arrived at Crisis Management's offices.

1 2. I did not have any communication with anyone from You Walk Away until March
2 11, 2008. On that date, I did have a telephone conversation with a You Walk Away representative
3 named Chad whom I now know to be Chad Ruyle.

4 3. As set forth in my original Declaration, I advised Mr. Ruyle that I did not believe that
5 Crisis Management's use of the names "Walk Away Plan" or "www.walkawayplan.com," infringed
6 or otherwise violated You Walk Away's rights in any way.

7 4. While I advised that Crisis Management would be consulting with an attorney to
8 determine how to respond to the February 29, 2008 letter and the allegations it contained, I did not
9 ask You Walk Away for "additional time" or that You Walk Away refrain from taking any actions it
10 believed were necessary to protect its rights.

11 5. I did not believe that You Walk Away really was going to file a lawsuit any time
12 soon. In fact, in our telephone conversation, I advised Mr. Ruyle that I had recently seen the
13 February 29, 2008 letter, and that I believed that You Walk Away simply was trying to intimidate
14 Crisis Management.

15 6. I do not recall speaking with Mr. Ruyle again after March 11, 2008. If I did, all I
16 would have told him was that I was consulting with Crisis Management's attorneys.

17 7. As set forth in my original Declaration, I had noticed that, in the February 29, 2008
18 letter, You Walk Away had advised that it had a trademark application pending with the United
19 States Patent and Trademark Office for the You Walk Away marks.

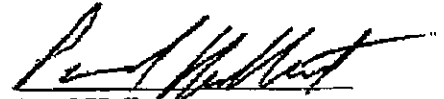
20 8. Crisis Management also had filed a trademark application with the United States
21 Patent and Trademark Office ("Trademark Office") to register the name Walk Away Plan under
22 Serial No. 77/406511.

23 9. As set forth in my original Declaration, based on the competing pending applications,
24 I wanted to make certain that a Court promptly determine that Crisis Management's use of the Walk
25 Away Plan marks did not infringe on any of You Walk Away's rights.
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27
28

1 10. In my original Declaration, I mistakenly stated that I, on behalf of Crisis
2 Management, consulted with an attorney and authorized the filing of the Declaratory Judgment
3 Complaint on March 14, 2008; the correct date was March 13, 2008.

4 I declare under penalty of perjury that the foregoing matters are true and correct.

5 Dated: 5/9/08

7
8 
9 Paul Helbert